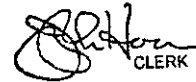


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
OCT 15 2007


CLERK

UNITED STATES OF AMERICA,

CR 07-40039-3

Plaintiff,

-VS-

ORDER

LAURI ANN STEVENS,

Defendant.

Pending before the Court is Defendant's Second Motion for Amendment of Judgment of Conviction. (Doc. 124.) This is Defendant's second attempt to have language in the Judgment that will allow her to receive credit for time served in state custody. She first requested an amendment to state that her federal sentence shall run concurrently with her state sentence. That request was granted because the Court was unaware that Defendant would be taken into state custody after being sentenced in federal court and, therefore, at the time of sentencing the need to address the effect of Defendant's state custody on her federal sentence was unknown by the Court. After the Judgment was amended, counsel for Defendant learned that Defendant had been transferred back into federal custody. *See* Affidavit of Defendant Stevens' Counsel in Support of Second Motion for Amendment of Judgment of Conviction. (Doc. 125.) An official with the Bureau of Prisons informed defense counsel that the language in the amended Judgment would preclude Defendant from receiving credit for time served. *See id.* Thus, defense counsel now requests that the language regarding concurrent sentences be deleted.

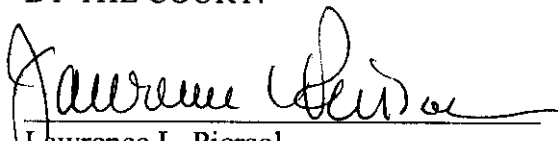
The government does not oppose the amendment requested by Defendant. (Doc. 126.) The Judgment will be amended so that Defendant will receive credit for time served in state custody. Accordingly, pursuant to Rule 36 of the Federal Rules of Criminal Procedure,

IT IS ORDERED that the Imprisonment section on page 2 of the Judgment shall be amended to read as follows:


The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: one hundred thirty-two (132) months.

Dated this 15th day of October, 2007.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
(SEAL) DEPUTY